

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:96-CR-79-1-BO
No. 5:00-CV-728-BO

TORRENCE JONES,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
)
 _____)

ORDER

This matter is before the Court on Petitioner's Motion for Case to be Placed in Abeyance; and Motion and Supplemental Motion to Order the Probation Offices to Turn Over all Statements. As it appears from Petitioner's most recent filings that he is no longer in transit, his Motion for Case to be Placed in Abeyance is DISMISSED as MOOT. Petitioner's Motion and Supplemental Motion to Order the Probation Offices to Turn Over all Statements are DENIED.

DISCUSSION

Petitioner is requesting the production of investigative notes and materials that were disclosed by case agents to Probation for use in preparing Petitioner's Presentence Report ("PSR"). Petitioner has raised this issue with this Court on previous occasions. Petitioner first sought production under the Jencks Act of Mann's statements after he testified at trial. This Court denied the request and this ruling was affirmed on appeal. *United States v. Jones*, No. 97-4107, 1998 WL 761542, at *1-2 (4th Cir. Nov. 2, 1998). Petitioner renewed essentially the same objection at sentencing. PSR Objection ¶ 1. At sentencing, this Court ruled that the co-conspirator statements were reliable, credible, and appropriate for inclusion in Petitioner's

PSR.

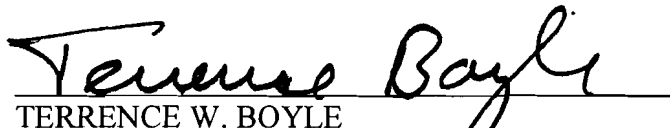
A similar question arose in *Ward v. United States*, 609 F. Supp. 169 (N.D. Ohio 1985). In that case, the district court denied petitioner's motion, holding that Fed. R. Crim. P. 32 "does not give a defendant any right whatsoever to have a copy of the [presentence] report, much less copies of any documents or materials used in preparing the report. It is difficult to imagine any court granting what the defendant requests." *Id.* at 170. This Court has already previously ruled on the motion brought by Petitioner, and the Court has no reason to alter its previous judgment. Petitioner's Motion is DENIED.

CONCLUSION

Accordingly, Petitioner's Motion and Supplemental Motion to Order the Probation Offices to Turn Over all Statements are DENIED. Petitioner's Motion for Case to be Placed in Abeyance is DISMISSED as MOOT.

SO ORDERED.

This 1 day of August, 2010.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE